

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C.A. No. 01-11712RCL

ERIC LAMPREY and
RAYMOND STEWART,
Plaintiffs,

v.

State Trooper MARK BLANCHARD,
Lt. Det. JOHN J. MALONE,
Mj. RICHARD L. FRAELICK,
Methuen Police Det. MICHAEL
PAPPALARDO, and the
CITY OF METHUEN
Defendants.

DEFENDANT, JOHN MALONE'S
ANSWER AND JURY CLAIM

The defendant, John Malone hereby answers the plaintiff's complaint as follows:

1. The defendant neither admits nor denies the allegations contained in paragraph as same is a statement of introduction. To the extent that factually allegations are asserted against him, the defendant denies same.
2. The defendant denies the allegations contained in paragraph 2.
3. The defendant neither admits nor denies the allegations contained in paragraph 3 as same is a statement of jurisdiction. To the extent that factual allegations are asserted therein, the defendant denies same.
4. The defendant has insufficient information to either admit or deny the allegations contained in paragraph 4.
5. The defendant has insufficient information to either admit or deny the allegations contained in paragraph 5.
6. The defendant neither admits nor denies the allegations contained in paragraph 6 as same are not directed toward him.

7. The defendant admits that he was a Lieutenant with the Massachusetts State Police and acting under color of state law. The defendant denies the remaining allegations contained in paragraph 7.
8. The defendant neither admits nor denies the allegations contained in paragraph 8 as same are not directed toward him.
9. The defendant neither admits nor denies the allegations contained in paragraph 9 as same are not directed toward him.
10. The defendant neither admits nor denies the allegations contained in paragraph 10 as same are not directed toward him.
11. The defendant denies the allegations contained in paragraph 11.
12. The defendant has insufficient information to either admit or deny the allegations contained in paragraph 12.
13. The defendant has insufficient information to either admit or deny the allegations contained in paragraph 13.
14. The defendant has insufficient information to either admit or deny the allegations contained in paragraph 14.
15. The defendant has insufficient information to either admit or deny the allegations contained in paragraph 15.
16. The defendant has insufficient information to either admit or deny the allegations contained in paragraph 16.
17. The defendant neither admits nor denies the allegations contained in paragraph 17 as same are not directed toward him.
18. The defendant neither admits nor denies the allegations contained in paragraph 18 as same are not directed toward him.
19. The defendant neither admits nor denies the allegations contained in paragraph 19 as same are not directed toward him.
20. The defendant neither admits nor denies the allegations contained in paragraph 20 as same are not directed toward him.
21. The defendant neither admits nor denies the allegations contained in paragraph 21

- as same are not directed toward him.
22. The defendant neither admits nor denies the allegations contained in paragraph 22 as same are not directed toward him.
 23. The defendant neither admits nor denies the allegations contained in paragraph 23 as same are not directed toward him.
 24. The defendant neither admits nor denies the allegations contained in paragraph 24 as same are not directed toward him.
 25. The defendant neither admits nor denies the allegations contained in paragraph 25 as same are not directed toward him.
 26. The defendant neither admits nor denies the allegations contained in paragraph 26 as same are not directed toward him.
 27. The defendant neither admits nor denies the allegations contained in paragraph 27 as same are not directed toward him.
 28. The defendant neither admits nor denies the allegations contained in paragraph 28 as same are not directed toward him.
 29. The defendant neither admits nor denies the allegations contained in paragraph 29 as same are not directed toward him.
 30. The defendant neither admits nor denies the allegations contained in paragraph 30 as same are not directed toward him.
 31. The defendant neither admits nor denies the allegations contained in paragraph 31 as same are not directed toward him.
 32. The defendant neither admits nor denies the allegations contained in paragraph 32 as same are not directed toward him.
 33. The defendant neither admits nor denies the allegations contained in paragraph 33 as same are not directed toward him.
 34. The defendant neither admits nor denies the allegations contained in paragraph 34 as same are not directed toward him.
 35. The defendant neither admits nor denies the allegations contained in paragraph 35 as same are not directed toward him.

36. The defendant neither admits nor denies the allegations contained in paragraph 36 as same are not directed toward him.
37. The defendant neither admits nor denies the allegations contained in paragraph 37 as same are not directed toward him.
38. The defendant neither admits nor denies the allegations contained in paragraph 38 as same are not directed toward him.
39. The defendant neither admits nor denies the allegations contained in paragraph 39 as same are not directed toward him.
40. The defendant neither admits nor denies the allegations contained in paragraph 40 as same are not directed toward him.
41. The defendant neither admits nor denies the allegations contained in paragraph 41 as same are not directed toward him.
42. The defendant has insufficient information to either admit or deny the allegations contained in paragraph 42.
43. The defendant has insufficient information to either admit or deny the allegations contained in paragraph 43.
44. The defendant has insufficient information to either admit or deny the allegations contained in paragraph 44.
45. The defendant has insufficient information to either admit or deny the allegations contained in paragraph 45.
46. The defendant denies the allegations contained in paragraph 46.

Count I

47. The defendant reasserts his responses to paragraphs 1-40 as if specifically restated herein.
48. The defendant neither admits nor denies the allegations contained in paragraph 48 as same are not directed toward him.

Count II

- 49. The defendant reasserts his responses to paragraphs 1-42 as if specifically restated herein.
- 50. The defendant denies the allegations contained in paragraph 50.

Count III

- 51. The defendant reasserts his responses to paragraphs 1-44 as if specifically restated herein.
- 52. The defendant neither admits nor denies the allegations contained in paragraph 50 as same are not directed toward him.

Count IV

- 53. The defendant reasserts his responses to paragraphs 1-46 as if specifically restated herein.
- 54. The defendant neither admits nor denies the allegations contained in paragraph 54 as same are not directed toward him.
- 55. The defendant neither admits nor denies the allegations contained in paragraph 55 as same are not directed toward him.
- 56. The defendant neither admits nor denies the allegations contained in paragraph 56 as same are not directed toward him.

Count V

- 57. The defendant reasserts his responses to paragraphs 1-50 as if specifically restated herein.
- 58. The defendant denies the allegations contained in paragraph 58.

Wherefore, the defendant demands judgment in his favor together with costs and attorneys' fees.

DEMAND FOR JURY TRIAL

The defendant requests a trial by jury on all counts.

AFFIRMATIVE DEFENSES

First

The plaintiffs have failed to state a claim for which relief may be granted.

Second

The individual defendant acted objectively reasonably under the circumstances and are qualifiedly immune from liability.

Third

The defendant acted with probable cause and legal justification.

Fourth

The plaintiffs have failed to effectuate proper service of process upon the defendant.

Fifth

Any alleged injuries or damages sustained by the plaintiffs were caused by their own illegal conduct and not that of the defendant.

Sixth

Any alleged injuries sustained by the plaintiff(s) were caused by a person or persons for whom the defendant is not legally responsible.

Seventh

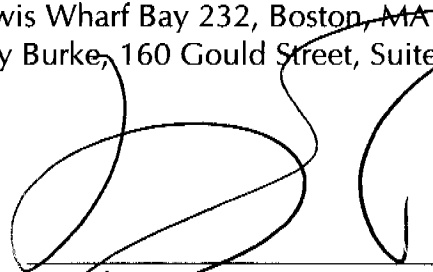
The plaintiffs have failed to commence this action within the applicable statute of limitations and thus their claims are barred.

Defendant, John Malone,
By his attorney,

Douglas I. Louison (BBO # 545191)
MERRICK, LOUISON & COSTELLO
67 Batterymarch Street
Boston, MA 02110
(617) 439-0305

CERTIFICATE OF SERVICE

I, Douglas I. Louison, hereby certify that on the 25 day of November, 2001, I served the foregoing by causing a copy to be mailed, postage prepaid, directed to **Stephen B. Hrones, Esq.**, Hrones & Garrity, Lewis Wharf Bay 232, Boston, MA 02110 and **Joseph Donnellan, Esq.**, Law Offices of Timothy Burke, 160 Gould Street, Suite 111, Needham, MA 02494.



Douglas I. Louison